

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>DEBORAH K. JENNINGS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:12-cv-00507</b>
	)	<b>Phillips/Shirley</b>
<b>THE UNIVERSITY OF</b>	)	
<b>TENNESSEE and DAVE HART,</b>	)	
	)	
<b>Defendants.</b>	)	

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**THE UNIVERSITY OF TENNESSEE'S MOTION TO DISMISS TITLE VII AND  
ADA CLAIMS AND TO STAY REMAINING CLAIMS**

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The University of Tennessee, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves the Court to dismiss without prejudice Plaintiff's claims under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000(e), *et seq.*, and the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, on the basis that her amended complaint establishes on its face that Plaintiff has failed to exhaust her administrative remedies, which is a statutory prerequisite to suit under both Title VII and the ADA. Defendant further moves the Court to exercise its incidental power to stay the proceedings until Plaintiff exhausts her administrative remedies. In support of this motion, the University relies upon the contemporaneously submitted memorandum of law.

Respectfully submitted this 30<sup>th</sup> day of November, 2012.

*/s/ Edward G. Phillips*  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

*/s/ Edward G. Phillips*